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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,771	04/03/2001	David Orshan	ILEAP001(44435/05025)	3674

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Tampa, FL 33601-3239

EXAMINER

LIN, KENNY S

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,771

Applicant(s)

ORSHAN, DAVID

Examiner

Kenny Lin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/26/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are presented for examination.

Claim Objections

2. Claim 20 is objected to because of the following informalities: It should have depended on Claim 19 rather than Claim 10 since it is referring to the computer program product claimed in Claim 19. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7, 10-16 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoke et al (hereinafter Hoke), US 6,701,437.
5. As per claims 1, 10 and 19, Hoke taught the invention as claimed including a method for delivering guaranteed bandwidth network service, comprising:
 - a. Receiving a request from a user at a computer terminal (col.6, lines 27-47, col.11, lines 33-38, col.13, lines 6-9);

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- b. Determining a destination of the request (col.11, lines 38-61, 65-67, col.12, lines 1-18, col.13, lines 6-13);
- c. Sending the request to the destination utilizing a first network if the destination matches a first criteria (col.4, lines 4-10, col.9, lines 62-67, col.10, lines 1-4, 60-67, col.11, lines 1-5, 38-61);
- d. Sending the request to the destination utilizing a second network if the destination matches a second criteria (col.11, lines 38-57, 65-67, col.12, lines 1-18, col.13, lines 6-13, 22-35); and
- e. Transmitting a response to the request to the user at the computer terminal (col.13, lines 28-49).

6. As per claims 2 and 11, Hoke taught the invention as claimed in claims 1 and 10. Hoke further taught wherein the first network includes the Internet, and the first criteria indicates that the destination includes the Internet (col.5, lines 59-65, col.10, lines 60-67, col.11, lines 1-5, 38-61).

7. As per claims 3 and 12, Hoke taught the invention as claimed in claims 1 and 10. Hoke further taught wherein the second network includes a network separate from the Internet, and the second criteria indicates that the destination includes the second network (col.6, lines 14-25, col.11, lines 38-45, 65-67, col.12, lines 1-18, col.13, lines 6-13, lines 22-35).

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8. As per claims 4 and 13, Hoke taught the invention as claimed in claims 3 and 12. Hoke further taught wherein the second network includes a virtual private network (col.6, lines 14-25, col.11, lines 38-45, 65-67, col.12, lines 1-18).

9. As per claims 5 and 14, Hoke taught the invention as claimed in claims 1 and 10. Hoke further taught wherein the second criteria indicates that the destination includes a local destination (col.11, lines 38-57, 65-67, col.12, lines 1-18, col.13, lines 6-16, 22-35, LAN).

10. As per claims 6 and 15, Hoke taught the invention as claimed in claims 1 and 10. Hoke further taught wherein a) – e) are carried out utilizing a module positioned within one thousand feet from the computer terminal (col.6, lines 26-29, 42-46, VPN unit within remote client).

11. As per claims 7 and 16, Hoke taught the invention as claimed in claims 6 and 15. Hoke further taught wherein the module includes a multiplexer (col.9, lines 62-67, col.10, lines 1-4, 60-67, col.11, lines 1-5, 38-61, 65-67, col.12, lines 1-18, col.13, lines 6-13, 22-35).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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13. Claims 8-9, 17-18 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Hoke et al (hereinafter Hoke), US 6,701,437, in view of Long et al (hereinafter Long), US 6,728,238.

14. As per claims 8 and 17, Hoke taught the invention substantially as claimed in claims 7 and 16. Hoke did not specifically teach wherein the multiplexer includes a digital subscriber line access multiplexer (DSLAM). However, the advantage and concept of using DSLAM is well known and expected in the art. Long taught to use DSLAM as the multiplexer in supporting DSL network services to filter and separate different frequency modulated channels (col.4, lines 18-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hoke and Long because Long's teaching of using DSLAM as the multiplexer in the computer terminal help Hoke's module to filter different frequency modulated channels and separate voice information from computer data for transmission (col.4, lines 18-32).

15. As per claims 9, 18 and 20, Hoke taught the invention substantially as claimed in claims 1, 10 and 19. Hoke taught the public network can be any type of communication channel (col.5, lines 59-65). Hoke did not specifically teach wherein the network service includes digital subscriber line service (DSL). Long taught that to use DSL in providing network service since DSL provides high speed data service and high bandwidth (col.4, lines 6-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hoke and Long because Long's teaching of using DSL and its high speed and high

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bandwidth attributes in supporting network service enables Hoke's system to provide large data for transmission such as graphic intensive presentations, video on demand using the available high bandwidth and speed (col.4, lines 6-20).

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gardell et al, US 6,707,797.

Reid et al, US 6,182,226.

Stockwell et al, US 5,950,195.

17. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (703)305-0438. The examiner can normally be reached on 8 AM to 5 PM Tuesday to Friday and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. Additionally, the fax numbers for Group 2100 are as follows:

Official Responses: (703) 872-9306

ksl
July 20, 2004



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100